HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 13582 of 2007

Dated: 26-10-2007

Between:

A.Unnathasan Reddy

..... PETIT

AND

Greater Hyderabad Municipal
Corporation,
Rep., by its Commissioner,
Secunderabad, Hyderabad.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 13582 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the proceedings dated 21-06-2007 issued by the respondent as illegal.

The petitioner filed an application for approval of building plan on 23-05-2007 before the respondent. However, the respondent vide the impugned proceedings called upon the petitioner to submit the following documents:

1. Town Survey Land Record Certificate by the Joint Collector, Hyderabad District along with Rs.100/- NJSP for ULC notarised. Copy of the previous sanctioned plan attested by the Gazetted Officer at front and back side of the plan.
2. Copy of ownership documents and link documents along with documentary plan with backside registration stamps duly attested by the Gazetted Officer on each page.
3. The party should remit the building permit fees.

These proceedings are assailed in the present writ petition.

Heard Sri M.V.Suresh, learned counsel for the petitioner and Smt.Kalpana Ekbote, learned standing counsel for the respondent.

Learned counsel for the petitioner submitted that as regards the requirement of Town Survey Record Certificate, the respondent- Corporation has no jurisdiction to insist on production of the said Certificate. With reference to the document sought for in serial No.2, he submitted that the property in respect of which the petitioner is seeking sanction of building permission was allotted to the petitioner under a compromise decree dated 24-01-1994 passed in O.S.No.264 of 1993. He, therefore, submitted that the said compromise decree should be treated as a document of title. With reference to condition No.3, the learned counsel for the petitioner says that the petitioner will comply with the same.

Smt. Ekbote fairly stated that as regards condition No.1, this Court, on earlier occasions, held that the Corporation cannot insist on production of NOC or a certificate regarding town survey. She, therefore, submitted that the Corporation would not insist on condition No.1.

As regards the document of title, I am of the view that the aforementioned decree shall be treated as document of title.

In view of the submission of the learned counsel for the petitioner that the petitioner is prepared to pay the requisite fee as stipulated in condition No.3 of the impugned order, I deem it appropriate to dispose of the writ petition with the following directions:

1. The respondents shall reprocess the application of the petitioner without insisting on the requirement of production of Town Survey Land Record Certificate from the Joint Collector, Hyderabad.

2. The compromise decree dated 24-01-1994 passed in O.S.No.264 of 1993, on the file of the III Additional Civil Judge, City Civil Courts, Secunderabad, shall be treated as a document of title.

3. The petitioner shall remit the building permission fee.

4. On remission of building permit fee, the respondent shall complete the process of issuance of building permission within a period of four weeks.

With the above directions, the writ petition is disposed of. No costs.

C.V.NAGARJUNA REDDY,J

Date: 26-10-2007

Note: Issue C.C. in three days.

B/o

KLP